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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,495	01/20/2006	Elliott A Gruskin	127304.00901	6177

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EXAMINER	
MEAH, MOHAMMAD Y	
ART UNIT	**PAPER NUMBER**
1652	

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03/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/524,495	GRUSKIN ET AL.	
	Examiner	Art Unit	
	MD. YOUNUS MEAH	1652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *1* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *1/20/06*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-24* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-24 are pending in the instant application.

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Groups 1-24, claims 1-3, 5-11,22, drawn to a chimeric protein comprising Chondroitinase Abc exolyase conjugated to neural cell adhesion molecule comprising N-VAM, LI-- - -MaG molecules or neurotrophic factors (see 24 of them in claim 5) wherein group 1 refers to Chondroitinase Abc exolyase conjugated to N-VAM polypeptide, group 2 refers to Chondroitinase Abc exolyase conjugated to L1 molecules and so on.

Groups 25-48, claims 1-3, 5-11,22, drawn to a chimeric protein comprising Chondroitinase Abc endolyase conjugated to neural cell adhesion molecule comprising N-VAM, LI-- - -MaG molecules or neurotrophic factors (see 24 of them in claim 5) wherein group 25 refers to

Chondroitinase Abc endolyase conjugated to N-VAM polypeptide, group 26 refers to Chondroitinase Abc endolyase conjugated to L1 and so on.

Groups 49-72, claims 1-3, 5-11,22, drawn to a chimeric protein comprising Chondroitinase AC conjugated to neural cell adhesion molecule comprising N-VAM, LI-- - -MaG molecules or neurotrophic factors (see 24 of them in claim 5) wherein group 49 refers to Chondroitinase AC conjugated to N-VAM polypeptide, group 50 refers to Chondroitinase AC conjugated to L1 and so on.

Groups 73-96, claims 1-3, 5-11,22, drawn to a chimeric protein comprising Chondroitinase B conjugated to neural cell adhesion molecule comprising N-VAM, LI-- - -MaG molecules or neurotrophic factors (see 24 of them in claim 5) wherein group 73 refers to Chondroitinase B conjugated to N-VAM polypeptide, group 74 refers to Chondroitinase C conjugated to l1 and so on.

Groups 97-120, claims 1-2, 4, 5-11, 22, drawn to a chimeric protein comprising MMP-9 conjugated to neural cell adhesion molecule comprising N-VAM, LI-- - -MaG molecules or neurotrophic factors (see 24 of them in claim 5) wherein group 97 refers to MMP-9 conjugated to N-VAM polypeptide, group 98 refers to MMP-9 conjugated to L1 and so on.

Groups 121-144, claims 1-2, 4, 5-11, 22, drawn to a chimeric protein comprising MMP-2 conjugated to neural cell adhesion molecule comprising N-VAM, LI-- - -MaG molecules or

neurotrophic factors (see 24 of them in claim 5) wherein group 121 refers to MMP-2 conjugated to N-VAM polypeptide, group 122 refers to MMP-2 conjugated to l1 and so on.

Groups 145-168, claims 1-2, 4, 5-11, 22, drawn to a chimeric protein comprising pepsin conjugated to neural cell adhesion molecule comprising N-VAM, LI-- - -MaG molecules or neurotrophic factors (see 24 of them in claim 5) wherein group 145 refers to pepsin conjugated to N-VAM polypeptide, group 146 refers to pepsin conjugated to L1 and so on.

Groups 169-192, claims 12-21, 23-24, drawn to method of enhancing nervous system repair using chimeric protein comprising Chondroitinase Abc exolyase conjugated to neural cell adhesion molecule comprising N-VAM, LI-- - -MaG molecules or neurotrophic factors (see 24 of them in claim 5) wherein group 169 refers to Chondroitinase Abc exolyase conjugated to N-VAM polypeptide, group 170 refers to Chondroitinase Abc exolyase conjugated to L1 molecules and so on.

Groups 193-216, claims 12-21, 23-24, drawn to method of enhancing nervous system repair using comprising chimeric protein comprising Chondroitinase Abc endolyase conjugated to neural cell adhesion molecule comprising N-VAM, LI-- - -MaG molecules or neurotrophic factors (see 24 of them in claim 5) wherein group 193 refers to Chondroitinase Abc endolyase conjugated to N-VAM polypeptide, group 194 refers to Chondroitinase Abc endolyase conjugated to L1 and so on.

Groups 217-240, claims 12-21, 23-24, drawn to method of enhancing nervous system repair using comprising chimeric protein comprising Chondroitinase AC conjugated to neural cell adhesion molecule comprising N-VAM, LI-- - -MaG molecules or neurotrophic factors (see 24 of them in claim 5) wherein group 217 refers to Chondroitinase AC conjugated to N-VAM polypeptide, group 218 refers to Chondroitinase AC conjugated to L1 and so on.

Groups 241-264, claims 12-21, 23-24, drawn to method of enhancing nervous system repair using comprising chimeric protein comprising Chondroitinase B conjugated to neural cell adhesion molecule comprising N-VAM, LI-- - -MaG molecules or neurotrophic factors (see 24 of them in claim 5) wherein group 241 refers to Chondroitinase B conjugated to N-VAM polypeptide, group 242 refers to Chondroitinase C conjugated to l1 and so on..

Groups 265-288, claims 12-21, 23-24, drawn to method of enhancing nervous system repair using comprising chimeric protein comprising MMP-9 conjugated to neural cell adhesion molecule comprising N-VAM, LI-- - -MaG molecules or neurotrophic factors (see 24 of them in claim 5) wherein group 265 refers to MMP-9 conjugated to N-VAM polypeptide, group 266 refers to MMP-9 conjugated to L1 and so on.

Groups 289-312, claims 12-21, 23-24, drawn to method of enhancing nervous system repair using comprising chimeric protein comprising MMP-2 conjugated to neural cell adhesion molecule comprising N-VAM, LI-- - -MaG molecules or neurotrophic factors (see 24 of them

in claim 5) wherein group 289 refers to MMP-2 conjugated to N-VAM polypeptide, group 290 refers to MMP-2 conjugated to l1 and so on.

Groups 313-336, claims 12-21, 23-24, drawn to method of enhancing nervous system repair using comprising chimeric protein comprising pepsin conjugated to neural cell adhesion molecule comprising N-VAM, LI-- - -MaG molecules or neurotrophic factors (see 24 of them in claim 5) wherein group 313 refers to pepsin conjugated to N-VAM polypeptide, group 336 refers to pepsin conjugated to L1 and so on.

Groups 337-360, claims 1-2, 4, 5-11, 22, drawn to a chimeric protein comprising hyluronidases conjugated to neural cell adhesion molecule comprising N-VAM, LI-- - -MaG molecules or neurotrophic factors (see 24 of them in claim 5) wherein group 337 refers to hyluronidases conjugated to N-VAM polypeptide, group 338 refers to hyluronidases conjugated to L1 molecules and so on.

Groups 361-384, claims 12-21, 23-24, drawn to a method of enhancing nervous system repair using comprising chimeric protein comprising hyluronidases conjugated to neural cell adhesion molecule comprising N-VAM, LI-- - -MaG molecules or neurotrophic factors (see 24 of them in claim 5) wherein group 361 refers to hyluronidases conjugated to N-VAM polypeptide, group 362 refers to hyluronidases conjugated to L1 molecules and so on.

The inventions listed in Groups 1-384 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or Corresponding special technical features for the following reasons:

The only shared technical feature of Groups 1-84 is that each relate to a chimeric protein comprising polypeptide having matrix modification activity conjugated to neural active polypeptide (such as glycoprotein: hyluronidases , Chondroitinase, etc). However, this shared technical feature is not a special technical feature as defined by PCT Rule 13.2 as it does not constitute a contribution over the art. As Gruskin et al. (EP0 704532 003-04-1996, from IDS) teach chimeric protein comprising a polypeptide having matrix modification activity conjugated to physiologically active polypeptide, such as glycoprotein, etc.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Meah whose telephone number is 571-272-1261. The examiner can normally be reached on 8:30-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapu Achutamurthy can be reached on 571-272-0928. The fax

phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Mohammad Meah/

Acting Examiner of Art Unit 1652/1600

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